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OFFICE OF PETITIONS

In re Application of Okunji et al. :
Application No. 09/428,203 : Decision on Petition
Filing Date: October 27, 1999 :
Attorney Docket No. MRMC.PA.01.02 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed November 28, 2008, to revive the above-identified application.

The petition is **granted**.

The Office mailed a final Office action on March 28, 2008. The Office action set a shortened statutory period for reply of three (3) months.

A reply and request for a one-month extension of time were filed July 24, 2008.

The Office mailed an Advisory Action on August 21, 2008.

Since a proper reply was not filed in response to the Office action, the application became abandoned on July 29, 2008.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) the reply required to the outstanding Office action or notice, unless previously filed,
- (2) the petition fee,
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply to the final Office action in the form of a Notice of Appeal. Petitioner has submitted the required petition fee of \$1,620. Petitioner has stated the entire delay

in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Since petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b), the petition is granted and the application is revived.

The Notice of Appeal filed November 28, 2008, has been entered and made of record. **The two-month period for filing the appeal brief accompanied by the fee required by law, runs from the date of this decision.** See MPEP 1205.

Technology Center Art Unit 1655 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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